

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

DAVID DANIEL COUTU, )  
Petitioner, )  
v. )  
COMMONWEALTH OF )  
MASSACHUSETTS and )  
ATTORNEY GENERAL MAURA )  
HEALEY, )  
Respondents. )  
\_\_\_\_\_  
)

Civil Action No.  
**17-10702-FDS**

**ORDER ON CERTIFICATE OF APPEALABILITY**

**SAYLOR, J.**

This is a petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254(d).

Petitioner was convicted by a jury in 2007 of aggravated rape, home invasion, and mayhem, among other things. The Court has dismissed his petition for a writ of habeas corpus. He can only appeal that dismissal if he receives a certificate of appealability. For the following reasons, the Court will not certify the appealability of this dismissal.

A certificate of appealability will issue only if the petitioner “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). That standard is satisfied by “demonstrating that jurists of reason could disagree with the district court’s resolution of [petitioner’s] constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). That standard must be independently satisfied as to “each and every issue raised by a habeas petitioner.” *See Bui v.*

*DiPaolo*, 170 F.3d 232, 236 (1st Cir. 1999).

The Court concludes that jurists of reason could not disagree that petitioner has failed to exhaust at least one of his claims.

Accordingly, a certificate of appealability is DENIED.

**So Ordered.**

Dated: May 29, 2018

/s/ F. Dennis Saylor  
F. Dennis Saylor, IV  
United States District Judge